

GAHC010212172021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./112/2021

ASIA KHATUN AND ANR.

W/O- ABDUL AZIT @ ABDUL AZIZ, R/O- WARD NO. 12, HEDAYET NAGAR,
NAGAON TOWN, P.S. AND DIST.- NAGAON, ASSAM

2: ABDUL AZIT @ ABDUL AZIZ

S/O- ABDUL RASHID

R/O- WARD NO. 12

HEDAYET NAGAR

NAGAON TOWN

P.S. AND DIST.- NAGAON

ASSA

VERSUS

UNION OF INDIA AND 6 ORS.

REP. BY THE SECRETARY TO THE MINISTRY OF HOME AFFAIRS, GOVT. OF
INDIA, SHASTRI BHAWAN, TILAK MARG, NEW DELHI-1.

2:THE STATE OF ASSAM

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT

DISPUR

GUWAHATI-6.

3:THE SUPERINTENDENT OF POLICE

NAGAON

P.O.

P.S. AND DIST. NAGAON

ASSAM

PIN- 782001.

4:THE OFFICER-IN-CHARGE

NAGAON POLICE STATION

P.O. AND DIST.- NAGAON

ASSAM
PIN- 782001.

5:THE D.C.
NAGAON
P.O. AND DIST- NAGAON
ASSAM
PIN- 782001.

6:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI-1.

7:THE ASSAM STATE COORDINATOR OF NRC
BHANGAGARH
GUWAHATI-5

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 16.05.2024
(M. R. Pathak, J)

Heard Mr. A. R. Sikdar, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned CGC representing respondent No. 1; Mr. J. Payeng, learned Standing Counsel, Home Department, Assam for the respondent Nos. 2, 3 & 4; Mr. P. Sharma, learned Government Advocate, Assam representing respondent No. 5; as well as Mr. A. I. Ali, Standing Counsel, Election Commission of India representing respondent 6.

2) Chapter X of the Gauhati High Court Rules relates to "Applications for

review of Judgment". Clause 2 of said Chapter X of the Gauhati High Court Rules stipulates that – *"every application for review of judgments shall set forth plainly and concisely the ground on which a review is sought, and shall contain a certificate by an advocate of the Court similar, mutatis mutandis, to that prescribed in appeals from appellate decrees"*.

3) The Gauhati High Court Rules have been framed in exercise of the powers conferred under Article 225 of the Constitution of India *read with* Article 6 of the Assam High Court Order, 1948 having statutory force.

4) In the present review petition, it is seen that there is no such certificate from the concerned advocate who filed the same except the prayer and the affidavit of the review petitioner No. 2.

5) It is also seen that the authorities in the Registry accepted this said review petition without such certificate of the concerned filing advocate, also submitted its report and further numbered the same, though not in confining with the Gauhati High Court Rules, without placing it as defective pointing it out to the cause(s).

6) In view of above, the Registrar (Judicial) shall enquire into the matter and shall submit the report forthwith.

7) At this stage, Mr. Sikdar, learned counsel for the review petitioners, prays for withdrawal of this review petition with a liberty to file a fresh review petition.

8) We have considered the fact that this review petition has been filed on 08.12.2021 against the judgment and order dated 25.07.2017, passed by a Co-ordinate Bench of this Court in WA No. 265/2010, by which the opinion dated 09.04.2010, passed in FT Case No. 109/2007 and FT Case No. 110/2007 by the

learned Foreigners Tribunal, Nagaon as well as the order of the learned Single Judge passed in WP(C) No. 3369/2010, decided on 02.07.2010, preferred by the present petitioners, were upheld.

9) Since this review petition was filed without the certificate of the learned filing advocate, leave to that extent has been granted but without granting any leave pertaining to the delay in filing the review petition against the said order dated 25.07.2017 passed in WA No. 265/2010, noted above.

10) With the above observation, this review petition, on withdrawal, being infructuous, stands dismissed.

JUDGE

JUDGE

Comparing Assistant